IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5363 of 2000
WITH
SPECIAL CIVIL APPLICATION No. 5364 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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NEW UNITED EMPLOYEES UNION - Petitioner
Versus
TENSILE STEEL LTD. & 2 - Respondent(s)

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Appearance :
MRS YOGINI V PARIKH for Petitioners.
MR BIPIN P JASANI for Respondent No. 1.
MR AMAR N BHATT for Respondent No. 2.
MR AV TRIVEDI FOR MR ANIP A GANDHI for Respondent No. 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 16/11/2005

COMMON ORAL JUDGMENT

1.The petitioner in both these petitions, namely, New United Employees Union have filed these two petitions under Article 226 & 227 of the Constitution of India.

2.In Special Civil Application No. 5363 of 2000, the petitioner has prayed for quashing and setting aside the order at Annexure B whereby the learned Industrial Tribunal, Court No. 3, Vadodara in Permission Application No. 27 of 1999 has granted permission to retrench 71 casual workmen and also directed to the Company to pay retrenchment compensation within 30 days. The petitioner has also prayed for the direction to the respondent No. 1 Company not to terminate the workers and to pay their wages regularly.

3.In Special Civil Application No. 5364 of 2000, the petitioners have prayed for quashing and setting aside the interim order passed below Exh. 3 & 8 passed by Labour Court, Vadodara in Reference I.T. No. 18 of 1998 on 10.05.2000.

4.Subsequent to filing of the aforesaid petition before this Court, the respondent No. 1 Company has become sick and BIFR has passed certain orders. The respondent No. 3 Bank has taken over the possession of the assets of the Company and the respondent No. 1 Company has virtually closed its activities. In this view of the matter, there is no question of entertaining the second prayer made by the petitioner in the present petition. However, so far as the first prayer is concerned, it has transpired during the course of hearing that two References being Reference Nos. 177 & 178 of 1998 which are filed by the petitioner

before the Industrial Tribunal, Vadodara are pending wherein the issue regarding correct status of the 71 workmen who are said to be casual workers is still pending. The main grievance of the petitioner is that despite the pendency of the said two references, the Industrial Tribunal has granted permission to retrench 71 casual workers which is not in accordance with the provisions of law.

5.Since the references are pending before the Industrial Tribunal from 1998 and more than seven years have passed, the Industrial Tribunal is hereby directed to decide the said two references as expeditiously as possible, preferably within a period of six months from the date of receipt of writ or from the date of receipt of certified copy of this order, whichever is earlier. It is made clear that while deciding the said references, the Industrial Tribunal may not be influenced by

the order passed by the Industrial Tribunal in Reference I.T. No. 18 of 1998 on 10.05.2000 which is challenged in the present petition and may also not be influenced by the present order passed by this Court. The Court has not gone into the merits of the matter, in view of the fact that the references are pending and that the subsequent developments, namely, the respondent No. 1 Company has been closed and the possession of the assets of the Company has been taken over by the Bank under the Securitisation Act.

6.In view of the aforesaid directions, the Court is not inclined to decide the issues which are raised in the present petition as it is open for the petitioner to raise all these issues subsequently if need so arises, after the above references are decided by the Labour Court. The petition is accordingly disposed of. Rule discharged without any order as to costs.

7.So far as Special Civil Application No. 5364 of 2000 is concerned, learned advocate appearing for the petitioner does not press this petition in view of the directions given by this Court in Special Civil Application No. 5363 of 2000. This petition is accordingly disposed of without any order as to costs.

[K.A. PUJ, J.]

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